

In the outstanding Office Action, claims 1 – 63 were subjected to a restriction requirement and an election of species requirement.

By this Response to Restriction Requirement, an election with traverse is made.

### **RESTRICTION REQUIREMENT SUMMARY**

The Examiner required restriction of claims 1 – 63 to a single invention under 35 U.S.C. §121. Claims 1 – 63 were subjected to a Restriction Requirement as follows:

Group I: claims 1 – 23, 37 – 39 and 46 – 59 are asserted to be drawn to a method of processing an optical lens;

Group II: claims 24 – 36 are asserted to be drawn to a lens blank;

Group III: claims 40 – 45 are asserted to be drawn to an adapter for holding a lens; and

Group IV: claims 60 – 63 are asserted to be drawn to an apparatus for orientating a lens.

### **Response**

Applicants provisionally elect to continue prosecution of Group I, claims 1 – 23, 37 – 39 and 46 – 59 and respectfully traverse the Examiner's restriction with respect to Groups II – IV.

It is respectfully submitted that there is no serious burden to examine the claims of Groups I – IV. Under MPEP §803, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” The methods recited in the claims of Groups I, III and IV are methods that are used to produce and process the product recited in the claims of Group II. Regardless of any differences that may exist between the inventions set forth in the different claims, a complete and thorough search for the invention set forth in any one of the Groups would require

searching the art areas appropriate to the other Groups. Due to the similarity of the features of the Groups, a search for each of the inventions of the Groups would be coextensive and, therefore, it is respectfully submitted that it would not be a *serious* burden upon the Examiner to examine all of the claims in this application.

Further, at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims. Considering that the Examiner will most likely undertake a search for the methods of Groups I, III and IV, searching for the product of related Group II would be minimally burdensome on the Examiner in view of the fact that all four of Groups share similar features.

Moreover, given the overlapping subject matter of the Groups, examinations of all of the invention groups would not pose a serious burden because they would be coextensive. Further, the fact that various Groups may fall under different U.S. Patent and Trademark Office classes does not necessarily make them independent or distinct inventions. The classification system at the U.S. Patent and Trademark Office is based in part upon administrative concerns and is not necessarily indicative of separate inventive subject matter in all cases.

Furthermore, Applicants have paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims paid for when filing this application and persists in requiring Applicants to file divisional applications for each of the groups of claims, the Examiner would essentially be forcing the Applicants to pay duplicative fees for the non-elected or withdrawn claims, inasmuch as the original filing fees for the claims (which would be later prosecuted in divisional applications) are not refundable.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and

withdraw the restriction requirement, and to examine all of the claims pending in this application.

### **Election Of Species Requirement**

The Examiner requires election of a single disclosed species under 35 U.S.C. §121 asserting that the application contains claims directed toward patentably distinct species and further asserting that:

Species I is shown in Figures 2A – 2G and 3;

Species II is shown in figures 4A – F;

Species III is shown in Figures 5A – B;

Species IV is shown in Figures 6A – H; and

Species V is shown in Figures 7A – D.

### **Response**

Applicants respectfully traverse the Examiner's election of species requirement. Applicants provisionally elect to continue prosecution of Species I, figures 2A – 2G and 3. Applicants assert that claims 1 – 23, 37 – 39 and 46 – 59 read on figures 2A – 2G and 3. However, Applicants' assertion in no way is an indication of an intent to limit the aforementioned claims to the embodiment depicted in figures 2A – 2G and 3. Applicants respectfully submit that claim 1 is generic to all species and thus, if found allowable, claims drawn to the species embodied in figures 4A – F, 5A – B, 6A – H, and 7A – D, which incorporate all of the features found in the claim 1 would also be available for prosecution at this time.

The basis of Applicants' traversal is that examination of species I – V would not require over-burdensome searching on the part of the Examiner. Regardless of any differences which may

exist between the inventions set forth in the different species, a complete and thorough search for the invention set forth in any one of the species would require searching the art areas appropriate to the other species. Given the overlapping subject matter and identical classifications of the species, examinations of all the species would be coextensive.

Further, at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search the subject matter of all of the species. Considering that the Examiner will undertake a search for the *method of processing optical faces* of species I, searching for the *methods of processing optical faces of species II – V* would be minimally burdensome on the Examiner in view of the fact that all of the species share similar features.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the election of species requirement.

### CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for a first substantive examination. If the Examiner believes the application is not in condition for substantive examination, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

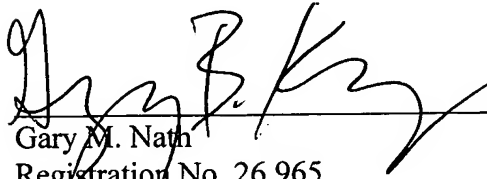
In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

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A handwritten signature in black ink, appearing to read "Gary M. Nath", is written over a horizontal line.

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